

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JIMMIE LEWIS

V.

CA. NO. 04-1350 (GMS)

DR. SYLVIA FOSTER, ET AL



MOTION FOR INTERROGATORY ^{BD scanning}
ANSWERS # 4 FROM AND FOR
DEFENDANT DR. SYLVIA FOSTER
PURSUANT TO FED R. CIV P # 33
AND IN ACCORDANCE TO THE HONORABLE
JUDGE GREGORY M. SLEETS' FEB 21, 07 ORDER.

DATE: 2/28/07

Jimmie Lewis
SBI # 506622
DEL. CORR. CENTER
1181 PADDOCK RD
SMYRNA, DEL 19977

- 1.) DR. FOSTER, CAN A PERSON BECOME MENTALLY ILL AFTER INCARCERATION.
- 2.) ~~IN EVERY~~ IN EVERY CASE, DOES A PERSON NEED TO BE GIVEN PSYCHOTROPIC DRUGS IN ORDER TO STABILIZE FROM MENTAL ILLNESS.
- 3.) DOES SCHIZOPHRENIA MANIFEST IT'S SYMPTOMS THE EXACT SAME WAY IN EVERY PERSON
- 4.) IN THE 30 DAYS THE PLAINTIFF WAITED TO BE TRANSFERRED IN THE H.R.V.C.I INFIRMARY, COULD HE HAVE STABILIZED.
- 5.) IN THE 6 1/2 MONTHS AFTER THE SUPERIOR COURT ORDER WAS GRANTED ON DEC 103, COULD THE PLAINTIFF HAVE STABILIZED PRIOR TO HIS BEING TRANSFERRED TO THE D.P.C ON 5/21/04

- 6.) DR. FOSTER, DID THE PLAINTIFF
RECEIVE INJECTIONS OF THE PSYCHOTROPIC
DRUGS HALDOL, ATIVAN AND GEODON
DURING HIS STAY AT THE D.P.C
DATING FROM 5/21/04 TO 6/25/04.
- 7.) DR. FOSTER, DID YOU PRESCRIBE
THE PSYCHOTROPIC DRUGS HALDOL,
ATIVAN AND GEODON FOR THE PLAINTIFF
DURING HIS STAY AT THE DPC
DATING FROM 5/21/04 TO 6/25/04
- 8.) ~~WHY~~ DR. FOSTER WHY DID YOU
PLACE THE PLAINTIFF ON SANCTION
APON HIS ARRIVING AT THE D.P.C ON 5/21/04.
- 9.) DR. FOSTER, DID THE PLAINTIFF
MENTION CONCERNS OF SIDE EFFECTS
FROM PSYCHOTROPIC DRUGS

10.) DR. FOSTER, WERE THERE ANY
DISCIPLINARY HEARINGS CONDUCTED
REGARDING THE PLAINTIFFS BEHAVIOR.

11.) DR. FOSTER, WERE THERE ANY
DISCIPLINARY HEARINGS CONDUCTED
REGARDING THE PLAINTIFFS BEHAVIOR
ON THE FOLLOWING DATES OF :

5/21/04, 6/6/04, 6/13/04,
6/14/04 AT OR ABOUT 8:00 PM,
6/14/04 AT OR ABOUT 11:00 PM,
6/21/04 AND 6/24/04; IF YES PLEASE
STATE THE DATES.

12.) DR. FOSTER CAN ALLERGIC REACTION
TO THE PSYCHOTROPIC DRUG HALDOL
RESULT IN FATALITY.

13.) DR. FOSTER CAN ALLERGIC REACTION TO THE PSYCHOTROPIC DRUG ATIVAN RESULT IN FATALITY.

14.) DR. FOSTER CAN ALLERGIC REACTION TO THE PSYCHOTROPIC DRUG GEODON RESULT IN FATALITY.

15.) WHAT ARE THE SIDE EFFECTS OF HALDOL

16.) WHAT ARE THE SIDE EFFECTS OF ATIVAN

17.) WHAT ARE THE SIDE EFFECTS OF GEODON.

18.) DR. FOSTER DID YOU TAKE THE WILMINGTON-DEL., POLICE DEPARTMENT ASSESSMENT INTO CONSIDERATION REGARDING YOUR ASSESSMENT NOTED IN YOUR JUNE 10, 04 REPORT.

19.) DR. FOSTER DID YOU TAKE THE NEWARK STAR LEDGER MISSING PERSONS AD OF THE PLAINTIFF INTO CONSIDERATION REGARDING YOUR ASSESSMENT OF THE PLAINTIFF'S COMPETENCY ~~NOTED IN YOUR JUNE 10, 04 REPORT~~ NOTED IN YOUR JUNE 10, 04 REPORT

20.) DR. FOSTER, IS AGGITATION A VALID PSYCHOLOGICAL REASON TO INJECT THE PLAINTIFF WITH HALDOL WHEN THERE IS NO EVIDENCE OF PSYCHOSIS OR MOOD DISORDER.

21.) DR. FOSTER, IS AGGITATION A VALID PSYCHOLOGICAL REASON TO INJECT THE PLAINTIFF WITH GEODON WHEN THERE IS NO EVIDENCE OF PSYCHOSIS OR MOOD DISORDER.

22.) DR. FOSTER, IS AGGITATION A VALID PSYCHOLOGICAL REASON TO INJECT THE PLAINTIFF WITH ATIVAN WHEN THERE IS NO EVIDENCE OF PSYCHOSIS

23.) DR. FOSTER DEFINE AGGITATION THE WAY A PSYCHIATRIST ACKNOWLEDGES IT TO BE.

24.) DR. FOSTER WHY DID YOU
CHOOSE STATUTORY DEFENSES
UNDER 11 DEL C. § 468 (3); (5) AND (7),
IN WHICH STATES THAT YOU ARE PERMITTED
BY SAID STATUTES TO ORDER THE USE OF
FORCE, INSTEAD OF THE STATUTORY
DEFENSE OF ACTUAL INNOCENCE, IN RESPONSE
TO THE PLAINTIFF'S COMPLAINT.

~~24.~~ 25.) DR. FOSTER WHY DIDN'T YOU
CHOOSE STATUTORY DEFENSES
UNDER 11 DEL C. § 468 (2) AND (4)
IN WHICH DESCRIBE MAINTENANCE OF
REASONABLE DISCIPLINE, PREVENTION OF
MISCONDUCT OR AUTHORITY AS A DOCTOR
WHO WAS ADMINISTERING TREATMENT, IN
RESPONSE TO THE PLAINTIFF'S COMPLAINT.

26.) DR. FOSTER AS THE CHIEF FORENSIC PSYCHIATRIST FOR THE STATE OF DELAWARE, DATING FROM 5/21/04 TO 6/25/04, WHICH IS THE COURSE OF THE PLAINTIFFS STAY AT THE D.P.C., NAME THE NURSE ASSISTANTS WHO YOU DID NOT HAVE ADMINISTRATIVE AUTHORITY OVER AT THE D.P.C

27.) DR. FOSTER WILL YOU ALLOW A PATIENT TO BE INJECTED WITH THE PSYCHOTROPIC DRUGS ATIVAN, GEODON OR HALDOL IF THEY DONT SHOW EVIDENCE OF PSYCHOSIS OR MOOD DISORDER.

28.) DR. FOSTER WERE YOU THE PLAINTIFFS PRIMARY PSYCHIATRIST DURING ~~THE~~ 5/21/04 TO 6/25/04, THE COURSE OF HIS STAY AT THE D.P.C

29.) WHAT IS THE DATE OF THE PLAINTIFF'S ARREST FOR THE OFFENSES YOU EVALUATED HIM FOR, I.E. CARJACKING AND, RESISTING ARREST, AND THEFT OVER \$1000.

30.) DR. FOSTER WHO ORDER THE PLAINTIFF TO BE INJECTED WITH PSYCHOTROPIC DRUGS HALDOL, ATIVAN. AND GEODON WITHOUT YOUR VERBAL AND OR WRITTEN CONSENT, DURING 5/21/04 TO 6/25/04 THE COURSE OF THE PLAINTIFFS STAY AT THE D.P.C

31.) ~~DR. FOSTER~~ DR. FOSTER DOES THE TERM "FORENSIC" MEAN THAT YOU HAVE RESEARCHED THE INFORMATION YOU NOTED IN YOUR JUNE 10, 04 REPORT

DR. FOSTER,
32.) WHO ORDERED THE PLAINTIFF
TO BE (4) POINT RESTRAINED
WITHOUT YOUR VERBAL AND OR
WRITTEN CONSENT; DURING ~~between~~
5/21/04 TO 6/25/04 THE COURSE
OF THE PLAINTIFF'S STAY AT THE D.P.C.
&

33.) DR. FOSTER WHY DID YOU
DISCONTINUE THE PLAINTIFF'S
CHEF SALAD

34.) DR. FOSTER DEFINE WHAT YOU
RELIED ON TO ULTIMATELY DIAGNOS.
THE PLAINTIFF AS MALINGERING.

35.) DR. FOSTER DEFINE WHAT YOU
RELIED ON TO ULTIMATELY CONCLUDE
THAT THE PLAINTIFF WAS MINIMIZING
HIS DRUG USE, AS IS STATED IN
YOUR JUNE 10, 04 REPORT.

36.) DR. FOSTER DOES GEODON
CAUSE AGITATION.

37.) WHEN A PATIENT IS AGGRESSIVE AND
ASSULTIVE TOWARDS STAFF AND OTHER
PATIENTS; CAN IT BE DEEMED NECESSARY
TO ASSIGN ONE OR TWO ATTENDANTS TO
MONITOR HIS BEHAVIOR ~~FOR A PERIOD OF~~
~~OR A PERIOD OF TIME~~ EXCLUSIVELY

38.) DR. FOSTER WAS THERE ~~AM~~ A TIME
WHEN ONE OR TWO ATTENDANTS
MONITORED THE PLAINTIFFS BEHAVIOR
EXCLUSIVELY

39.) DR. FOSTER WHAT WAS THE COURSE
OF ACTION TAKEN WHEN THE PLAINTIFF
REPORTED BEING ASSAULTED BY A PATIENT
NAMED "TIM".

40.) DR. FOSTER WHAT IS THE BASIC FUNDAMENTAL REASON FOR PRESCRIBING THE PSYCHOTROPIC DRUGS ATIVAN; GEODON AND HALDOL FOR THE PLAINTIFF DURING 5/21/04 TO 6/25/04 THE COURSE OF HIS STAY AT THE D.P.C

41.) DR. FOSTER WAS THE PLAINTIFF STABLE ENOUGH TO BE RETURNED TO THE D.O.C, (AS STATED IN YOUR JUNE 10, 04 REPORT); EVEN THOUGH HE WAS DEEMED AGITATED ENOUGH TO BE INJECTED WITH THE PSYCHOTROPIC DRUGS HALDOL, GEODON AND ATIVAN AT LEAST 4 OF THE LAST 10 DAYS OF HIS STAY AT THE D.P.C.

42.) DR. FOSTER DID YOU DEEM THE PLAINTIFF SUICIDAL DURING HIS STAY AT THE D.P.C DATING FROM 5/21/04 TO 6/25/04.

43.) DR. FOSTER, AFTER YOU AUTHORED YOUR JUNE 10, 04 FORENSIC REPORT, DIAGNOSING THE PLAINTIFF AS MALINGERING, (I QUOTE, THE ESSENTIAL FEATURE OF MALINGERING IS THE INTENTIONAL PRODUCTION OF FALSE OR GROSSLY EXAGGERATED PHYSICAL OR PSYCHOLOGICAL SYMPTOMS, MOTIVATED BY EXTERNAL INCENTIVES SUCH AS GETTING OUT OF PRISON INTO A PSYCHIATRIC UNIT, UNQUOTE.) THE ADMINISTRATION OF THE PSYCHOTROPIC DRUGS ATIVAN, GEODON AND HALDOL INCREASED, ~~WHY?~~ WAS THIS BECAUSE ~~WHEN~~ YOU THOUGHT THE PLAINTIFF SHOULD BE PUNISHED FOR TRYING TO GET OUT OF PRISON AND INTO A PSYCHIATRIC UNIT. QUESTION, WHAT IS THE REASON YOU WOULD GIVE FOR THE ~~QUANTITATIVE~~ INCREASE OF THE ADMINISTRATION OF THE PSYCHOTROPIC DRUGS ATIVAN, GEODON AND HALDOL AFTER YOUR JUNE 10, 04 DIAGNOSIS OF MALINGERING?

44.) DR. FOSTER WHICH D.P.C STAFF
MEMBER(S) DID YOU INFORM THAT YOUR
AXIS I DIAGNOSIS IN YOUR JUNE 10, 04
FORENSIC REPORT FOR COMPETENCY
OF THE PLAINTIFF WAS MALINGERING.

45.) DR. FOSTER NAME THE WITNESS
YOU INTEND TO CALL FOR PRE TRIAL
AND OR TRIAL.

46.) DR. FOSTER WAS THE PLAINTIFF
ADMINISTERED THE PSYCHOTROPIC DRUGS
ATIVAN, HALDOL AND GEODON ~~THORIN~~
IN ORDER TO CORRECT UNAPPROPRIATE
DISCIPLINARY BEHAVIOR OR TO CORRECT
UNAPPROPRIATE PSYCHIATRIC BEHAVIOR?

47.) DR. FOSTER WHY WEREN'T ANY
~~DISCIPLINARY HEARINGS CONDUCTED REGARDING~~
THE PLAINTIFF'S ALLEGED BEHAVIOR AT THE D.P.C.

48.) DR. FOSTER WHAT DO YOU DISCRIBE AS BEING
THE REASONS THE PLAINTIFF RECEIVED INJECTIONS
OF THE PSYCHOTROPIC DRUGS ATIVAN, GEODON AND
HALDOL, DURING THE COURSE OF HIS STAY AT THE D.P.C.

49.) DR. FOSTER, WHEN DID YOUR EMPLOYMENT
~~END~~ AT THE MITCHELL BUILDING END.

50.) DR. FOSTER DURING THE COURSE OF
THE PLAINTIFF'S STAY AT THE D.P.C
DATING FROM 5/21/04 TO 6/25/04
DID HE HAVE THE RIGHT TO REFUSE
BEING INJECTED WITH THE PSYCHOTROPIC
DRUGS HALDOL, ATIVAN AND GEODON.

This is the criminal record of:
JIMMY LEWIS

~~Enter date of arrest~~
DOB 12/25/1966 SBI # 00506622

Arresting Agency	Name (Including Aliases)	Date of Arrest/ Offense	Complaint Number/ Charge	Disposition
Wilmington PD	JIMMY LEWIS	05/26/03	3003049370	DISP=BOPC
Wilmington	AG CASE: NC03006555	05/26/03	RESISTING ARREST	
Wilmington PD	JIMMY LEWIS	05/26/03	3003049370	DISP=BOPC
Wilmington	AG CASE: NC03006555	05/26/03	Theft \$1000 or Greater (Deprive Person)	
Wilmington PD	JIMMY LEWIS	05/26/03	3003049370	DISP=BOPC
Wilmington	AG CASE: NC03006555	05/26/03	CARJACKING SECOND DEGREE TAKE VEHICLE FROM ANOTHER IMMEDIATE PRESENCE	

THE DATE AND PLACE THAT STATE D.A BRIAN J-
ROBERTSON WAS SEEKING FELONY CONVICTION INFORMATION
TO HAVE ME, JIMMIE LEWIS, DECLARED AND
SENTENCE AS AN HABITUAL OFFENDER.



STATE OF FLORIDA, COUNTY OF DADE
I HEREDY CERTIFY that the foregoing is a true and correct copy of the
original on file in this office. 111863 20
HARVEY RUVIN, Clerk of Circuit and County Courts
Deputy Clerk [Signature]



" JURY INSTRUCTION "

STATE OF MIND

An element of a criminal offense deals with the state of mind of the defendant. It is, of course, difficult to know what is going on in another person's mind. Therefore, you are permitted to draw an inference, or in other words to reach a conclusion, about a defendant's state of mind from the facts and circumstances surrounding the act that the defendant is alleged to have done. In reaching this conclusion, you may consider whether a reasonable person acting in the defendant's circumstances would have had or would have lacked the requisite [intention, recklessness, knowledge or belief]. You should, however, keep in mind at all times that it is the defendant's state of mind which is at issue, and in order to convict the defendant you are required to find beyond a reasonable doubt that the defendant in fact had the [intention, recklessness, knowledge, or belief] required for a finding of guilt.

The fact that our law permits you to draw an inference about a defendant's state of mind in no way relieves the State of its burden of proving beyond a reasonable doubt every element of an offense.

SATURDAY, JULY 5, 2003

NEWS BRIEFS**Three injured in jump
from burning boat**

BRICK: Three people suffered minor burns and two others escaped injury when all five jumped from a boat that caught fire in the Barnegat Bay near the Metedeconk River yesterday, Brick Township police said.

The boat was about 30 yards out from an Ocean County marina about 4:30 p.m. when flames engulfed the craft, possibly the result of an explosion, said Sgt. Craig Lash.

All five boaters were rescued, the sergeant said. The boat, which was gutted, drifted to shore and beached itself.

**Public is asked to help
find missing Newark man**

NEWARK: Police are seeking the public's assistance in finding a city resident who suffers from schizophrenia and a bipolar disorder.

Jimmie Lewis Jr., 36, talked last with his mother by telephone on May 19, but wasn't reported missing until June 25, said Lt. Derek Glenn, a city police spokesman.



LEWIS

He said Lewis, described as manic depressive, is 6 feet 2 inches, weighs 230 pounds, has brown eyes, black hair and a dark skin.

Glenn said anyone with information should contact police at (973) 733-5172.

WILMINGTON DEPARTMENT OF POLICE

Detainee Assessment / Property Receipt

Detainee's Name: Lewis, Jinnie Case #: 30-03-
Last, First Middle

Charges: Carjacking, Theft Arresting Officer: E. Godwin
 Additional Officer: J. Santana

Detainee's Physical Condition: OK ☒ Other ☐

Explain: (Body deformities/Bruises/Sutures): _____

Medication: Yes ☒ No ☐ Type: PSYCHOTROPIC
THORAZINE, DEPAKOTE, VIOSTARIL, RISPERDAL

Unusual Behavior:

Explain: DETAINEE STATED THOUGHTS OF SUICIDE,
TRANSFERRED TO M.P.C.J.F INFIRMARY

Detainee's Property

Seized as Evidence

Currency/Coin U.S. Currency: 7.00
 U.S. Coin: 2.26
 Total: 9.26

U.S. Currency: _____
 U.S. Coin: _____
 Total: _____

(Have detainee initial next to totals)

Clothing: BELT, WALLET WITH S.S CARD, LICENCES (NT).

Jewelry: NECKLESS WITH EGYPTION CROSS, DEVIL HORNS AND
CAT EYE CONTACT LENSES

Miscellaneous: 3 SETS OF KEYS (ONE SET VICTIMS),
PSYCH TREATMENT PLAN, AIRTRACK TRAIN TICKET

[Signature]
 Officer Receiving Property

05/26/03
 Date

0621 hours
 Time

[Signature]
 Transporting Officer

Date

_____ hours
 Time

I, _____, have received the above property from the Wilmington Department of Police, which
 was taken from me on the above date. _____ hours.

Date

Time

1/M: JIMMIE LEWIS
SBI# 506622 UNIT D42
DELAWARE CORRECTIONAL CENTER
1181 PADDOCK ROAD
SMYRNA, DELAWARE 19977



CLERK OF THE COURT (GMS)
UNITED STATES DISTRICT COURT
844 N. KING ST, LOCKBOX 18
WILMINGTON, DELAWARE
19801